

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:07CR176-P-D**

**STEPHEN FINCH AND PETER BERNEGGER**

**ORDER**

This cause is before the Court on defendant Bernegger's Motion for Continuance [45]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for January 26, 2009. Bernegger's counsel seeks a continuance to allow an adequate review of the voluminous discovery material and to prepare a defense to the pending charges. The government does not oppose the relief sought in the instant motion. Based on the foregoing, the Court finds that the defendant's Motion for Continuance is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from January 26, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare a defense to the charges at issue. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS, THEREFORE, ORDERED AND ADJUDGED that**

1. The defendant's Motion for Continuance [45] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, March 23, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from January 5, 2009 until March 23, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is March 2, 2009;
5. That the deadline for submitting a plea agreement is March 9, 2009.

SO ORDERED, this the 23<sup>rd</sup> day of December, 2008.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE